

JS 44 (Rev. 12/07, NJ 5/08)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

MURRAY KIMMEL

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Tara L. Patterson, Esquire  
Kimmel & Silverman, P.C.  
30 E. Butler Pike  
Ambler, PA 19002  
(215) 540-8888

**DEFENDANTS**

NCO FINANCIAL SYSTEMS, INC.

County of Residence of First Listed Defendant \_\_\_\_\_

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known) \_\_\_\_\_

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 U.S.C. Section 1692

Brief description of cause:  
Fair Debt Collection Practices Act

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ \_\_\_\_\_

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

Explanation:

3/15/10

Tara L. Patterson

DATE

SIGNATURE OF ATTORNEY OF RECORD

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 8580 Verree Road, Unit 506, Philadelphia, PA 19111

Address of Defendant: 507 Prudential Road, Horsham, PA 19044

Place of Accident, Incident or Transaction: 8580 Verree Road, Unit 506, Philadelphia PA 19111  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases 15 U.S.C § 1692

(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify)

## ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Tara L Patterson, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 3/15/10

Tara L Patterson  
Attorney-at-Law

88343  
Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 3/15/10

Tara L Patterson  
Attorney-at-Law

88343  
Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Murray Kimmel

v.

NCO Financial Systems, Inc.

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

3/15/10  
Date

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Attorney-at-law

Murray Kimmel  
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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

MURRAY KIMMEL,

Plaintiff

v.

NCO FINANCIAL SYSTEMS, INC.,

Defendant

**Case No.:**

**COMPLAINT AND DEMAND FOR  
JURY TRIAL**

**(Unlawful Debt Collection Practices)**

**COMPLAINT**

MURRAY KIMMEL ("Plaintiff"), by his attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against NCO FINANCIAL SYSTEMS, INC., ("Defendant"):

**INTRODUCTION**

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and 28 U.S.C.

1 1367 grants this court supplemental jurisdiction over the state claims contained  
2 therein.

3 3. Defendant conducts business and has an office in the state of  
4 Pennsylvania, and therefore, personal jurisdiction is established.

5 4. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).

6 5. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

7 **PARTIES**

8 6. Plaintiff is a natural person residing at 8580 Verree Road, Unit 506,  
9 Philadelphia, PA 19111.

10 7. Plaintiff is a "consumer" as that term is defined by 15 U.S.C.  
11 1692a(3).

12 8. Defendant is a national debt collection company with corporate  
13 headquarters located at 507 Prudential Road, Horsham, Pennsylvania, 19044-  
14 2308.

15 9. Defendant is a debt collector as that term is defined by 15 U.S.C.  
16 1692a(6), and sought to collect a consumer debt from Plaintiff.

17 10. Defendant acted through its agents, employees, officers, members,  
18 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,  
19 representatives, and insurers.

20  
21 **FACTUAL ALLEGATIONS**

22 11. Defendant repeatedly and harassingly placed calls to Plaintiff's  
23 family members, seeking to collect a debt allegedly owed by Plaintiff.  
24  
25

1       12. It is a common tactic, albeit a violation of the FDCPA, for a debt  
2 collector to contact family members of an alleged debtor when unable to  
3 successfully reach the debtor.

4       13. Defendant began placing repeated calls to Plaintiff's family members  
5 after it failed to communicate with Plaintiff.

6       14. Defendant repeatedly placed collection calls and disclosed its identity  
7 as a debt collector to Plaintiff's four adult sons.

8       15. Upon information and belief, during these telephone calls Defendant  
9 improperly revealed its purpose for calling was related to the collection of a debt.

10       16. Moreover, Defendant made material misrepresentations to Plaintiff's  
11 sons in an effort to acquire information about Plaintiff. In particular, Defendant  
12 misrepresented that Plaintiff had furnished their names and numbers as "contacts"  
13 on account in place of Plaintiff, when in reality no such thing had ever occurred.

14       17. Defendant's calls to Plaintiff's sons began in February of 2009 and  
15 continued for months.

16       18. Defendant began to constantly and continuously place collection calls  
17 to son Kenneth Kimmel.

18       19. Kenneth Kimmel and his family advised Defendant that Plaintiff did  
19 not live at the residence and that the calls were unwelcome and must cease  
20 immediately.

21       20. Defendant, however, ignored this request and continued to make calls  
22 concerning Plaintiff to Plaintiff's son, Kenneth Kimmel.

23       21. Defendant also placed calls to the business telephone number of  
24 Plaintiff's son, Kenneth Kimmel.  
25

1           22. Kenneth Kimmel told Defendant that he was not the Plaintiff, Murray  
2 Kimmel, that the number being called was Kenneth Kimmel's business office and  
3 that the calls were to cease immediately.

4           23. Kenneth Kimmel was told that Plaintiff had given his name and  
5 number as a contact on the account.

6           24. NCO also placed improper calls to Plaintiff's son, Brian Kimmel.

7           25. On or about June 11, 2009, James West (hereafter "Mr. West") of  
8 NCO (866-284-4373) called Brian Kimmel's place of employment.

9           26. Mr. West, identifying himself as an attorney, demanding to speak to  
10 Plaintiff. Brian Kimmel explained that he was not Murray Kimmel and asked not  
11 to be called again.

12           27. In response to this proper request, Mr. West was disrespectful and  
13 rude.

14           28. When Brian Kimmel asked how his phone number was obtained,  
15 Defendant misrepresented that Plaintiff had given Brian's name and number as a  
16 "contact on the account".

17           29. On June 12, 2009, Brian Kimmel, arrived home at the end of the day  
18 and received yet another voicemail message on his home answering machine from  
19 NCO.

20           30. On this occasion, Jeff Muir of NCO Financial Systems at 888-899-  
21 8041 ext. 5141 had left a message for Plaintiff on Brian Kimmel's answering  
22 machine.

23           31. Brian Kimmel informed Defendant that Plaintiff does not live at the  
24 home, does not work in the office and cannot be reached at either telephone  
25 number dialed.



1       32. Defendant placed multiple calls to the home telephone number of  
2 Plaintiff's son, Douglas Kimmel in the Spring of 2009.

3       33. Douglas Kimmel and his family advised Defendant that Plaintiff did  
4 not live at the residence and that the calls were unwelcome and must cease  
5 immediately.

6       34. Defendant, however, ignored this request and continued to make calls  
7 concerning Plaintiff to Plaintiff's son, Douglas Kimmel.

8       35. Douglas Kimmel asked how his phone number was obtained, to  
9 which Defendant misrepresented that Plaintiff, Murray Kimmel had given his  
10 name and number as a "contact on the account".

11       36. Also in the Spring of 2009, Defendant placed multiple calls to the  
12 home telephone number of Plaintiff's son, Craig Kimmel.

13       37. Craig Kimmel and his family advised Defendant that Plaintiff did not  
14 live at the residence and that the calls were unwelcome and must cease  
15 immediately. Defendant ignored this request and continued to make calls  
16 concerning Plaintiff to Craig Kimmel.

17       38. Defendant also placed calls to the business telephone number of  
18 Plaintiff's son.

19       39. Craig Kimmel told Defendant that he was not the Plaintiff, and to  
20 cease calling immediately.

21       40. When asked how his phone number was obtained, Defendant again  
22 misrepresented that Plaintiff gave the name and number as a contact on the  
23 account.

24       41. All sons were third parties to the alleged debt.  
25



1       42. Defendant conducted its collection activities in ways that were  
2 factually misrepresented and in violation of the FDCPA.  
3  
4

5                                   **COUNT I**  
6 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES**  
7 **ACT**

8       43. Defendant violated the FDCPA based on the following:

- 9           a. Defendant violated *§1692 generally*.  
10          b. Defendant violated *§1692(b)(2)* of the FDCPA by regularly  
11             contacting Plaintiff's sons, seeking to collect the debt of Plaintiff,  
12             after being told repeatedly that Plaintiff did not reside at the  
13             address/number being called.  
14          c. Defendant violated *§1692e(10)* by misrepresenting that Plaintiff had  
15             given his sons' names and numbers as contacts on the account, when  
16             in reality Plaintiff had taken none such action.

17       44. As a direct and proximate result of one or more or all of the statutory  
18       violations above, Plaintiff has suffered emotional distress.

19       WHEREFORE, Plaintiff, MURRAY KIMMEL, respectfully requests  
20       judgment be entered against Defendant, NCO FINANCIAL SYSTEMS, INC., for  
21       the following:

- 22           a. Declaratory judgment that Defendant's conduct violated the Fair Debt  
23             Collection Practices Act,  
24           b. Statutory damages pursuant to the Fair Debt Collection Practices Act,  
25             15 U.S.C. 1692k,

- c. Actual damages,
- d. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- e. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, MURRAY KIMMEL, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,  
DATED: March 12, 2010 KIMMEL & SILVERMAN, P.C..

By: /s/ Tara L. Patterson  
Tara L. Patterson  
Attorney ID # 88343  
Kimmel & Silverman, P.C.  
30 E. Butler Pike  
Ambler, PA 19002  
Phone: (215) 540-8888  
Fax: (215) 540-8817  
Email: tpatterson@creditlaw.com

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF PENNSYLVANIA

Plaintiff, MURRAY KIMMEL, state as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys, which has been attached to this Complaint, is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, MURRAY KIMMEL, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 3/12/10

Murray Kimmel  
MURRAY KIMMEL